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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/907,908

07/19/2001

Andre Messenger

Q65332

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23373

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07/27/2006

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EXAMINER

KNOWLIN, THJUAN P

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/907,908

Applicant(s)

MESSENGER ET AL.

Examiner

Thjuan P. Knowlin

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 05/15/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Response to Amendment

3. Applicant's amendment filed October 06, 2005 and Appeal Brief May 15, 2006 have been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-13 are still pending in this application, with claims 1, 5, 9, 11, and 12 being independent.

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-6, and 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Linneweh, Jr. et al (US 5,862,485).
6. In regards to claims 1, 4, 5, 8, 9, 10, 11, 12, and 13, Linneweh discloses a method and network of providing preferential access for particular calls between preferred users of a communication network (See Fig. 1 and communications system 100) wherein said particular calls are established via circuits between switching nodes (See Fig. 1, base sites 101-105 and location of poison control center, fire department, police department, etc), said circuits comprising one circuit segment or a plurality of circuit segments connected in series, wherein for call setup each segment is selected from available circuit segments on a trunk between two switching nodes so that a circuit is set up enabling the calling user (See Fig. 1 and communication units 112 and 114-116) and the called user (for example, the called user may be a poison control center, fire department, police department, etc.) to communicate (See col. 3 lines 36-58), which method includes the steps of: permanently reserving at least one circuit segment on each trunk between switching nodes needed to set up circuits for said particular calls between users at least one of whom is a preferred user (for example, the calling party may be identified as being preferred by entering a predetermined feature code, i.e., a

particular set of dialed digits and/or an identification number) (See col. 3 lines 46-65), and dynamically allocating circuit segments selected from said reserved segments and need to set up a circuit from a preferred user in the event of a call set-up request by said preferred user (See Abstract, col. 7 lines 13-25, and col. 7-8 lines 60-20).

7. In regards to claims 2 and 6, Linneweh discloses the method and network, wherein a preferred user attribute is assigned to each user and corresponds to a particular category indication in the case of preferred users included in the calling user identifier (i.e., predetermined feature code and/or particular set of dialed digits) that is transmitted for setting up a circuit at the time of a call request (See col. 3 lines 46-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 are rejected under 103(a) as being unpatentable over Linneweh, Jr., et al (US 5,862,485), in view of Bressler (US 6,584,190).

9. Linneweh discloses all of claims 3 and 7 limitations, except the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more reserved circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested and uses an unreserved circuit segment of a

trunk if no reserved segments of said trunk are available and said trunk has at least one unreserved segment available at the time. Bressler, however, does disclose the method and network, wherein minimum-cost algorithm used to choose a circuit set up time of a call request gives priority to choosing the shortest circuit set up via one or more circuit segments in series when the request emanates from a user who has a preferred user attribute relating to the call requested (See col. 5 lines col. 9 lines 3-29). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature into the method and network, as a way of balancing and reducing the traffic load, and also reducing cost.

Response to Arguments

10. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uhlik et al (US 6,600,914) teach a system and method for emergency call channel allocation. Baiyor et al (US 6,282,429) teach a system for providing prioritized wireless communication service to wireless communication subscribers.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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